

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
Ocotillo Wells Solar Major Use Permit  
PDS2012-3300-12-004, PDS2012-3910-12-12-001

April 25, 2013

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
☐

## Discussion:

As identified within Section 67.722B (Groundwater Investigations) of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands of the project.

As identified within Section 67.720 (Borrego Valley) of the San Diego County Groundwater Ordinance, groundwater use reduction measures shall be provided which fully offset the amount of groundwater the project will use and shall result in "no net increase" in the amount of groundwater extracted from the Borrego Valley Exemption Area.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

## Discussion:

***Wetland and Wetland Buffers:***

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

***Floodways and Floodplain Fringe:***

The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

***Steep Slopes:***

The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed by a County of San Diego approved archaeologist Micah Hale with ASM Affiliates, Inc., and it has been determined there are four archaeological site(s) and 8 isolates. Testing and other investigation determined the archaeological site does not meet the definition of significant site. It does not need to be preserved under the Resource Protection Ordinance.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  
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NO  
☐

NOT APPLICABLE  
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Discussion:

The project Minor Storm Water Management Plan has been reviewed and is found to be complete and in compliance with the WPO. The project has been found to be exempt from Hydromodification requirements for the following reasons: the project lies east of the Pacific/Salton (Tecate) divide and is not considered a Priority Development Project (PDP); therefore it is exempt from Hydromodification requirements.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  
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NO  
☐

NOT APPLICABLE  
☐

Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project is a solar facility located on two parcels in the Ocotillo Wells area. Primary permanent noise sources associated with the project is comprised of transformers, inverters, a substation, generator units, tracker motors and blowers. The project is zoned S92 and is subject to the most restrictive nighttime hourly average of 45 dBA at the project property line pursuant to the County Code Noise Ordinance, Section 36.404. All property lines have been evaluated with a worst-case scenario consisting of all mechanical operations and activities occurring simultaneously. Combined noise levels produced from the proposed substation, generators, track motors, blowers and transformer/inverter locations would be as high as 45 dBA at the worst-case eastern property line. All other property lines would be below the 45 dBA requirement. In an event an emergency power outage occurs, the proposed generator units would be in operation. The generator units alone, based on noise attenuation by distance would comply with County noise standards. Additionally, corona noise has been evaluated and it was determined these levels would be less than significant. The permanent primary noise sources associated with the project would comply with the 45 dBA requirement at all the project property lines and would comply with the County Noise Ordinance.

Temporary construction noise associated with the project would be subject to a 75 dBA eight hour average Leq at the boundary line where an existing occupied structure is located. The project would be grubbed to remove vegetation and compacted in one phase followed by the installation of the solar panels. Clearing and site preparation would utilize a total of up to three dozers, five graders, four loaders/backhoes and four water trucks. The construction equipment are anticipated to be spread out over the entire site. Noise calculations are based on using the acoustical center for grading operations which is approximately 500 feet from the nearest property line. A worst case calculation shows that all aforementioned equipment operating at a distance of 165 feet would generated a noise level of 74.9 dBA. Given this spatial separation of the equipment, the noise levels would comply with the County requirement of 75 dBA. Impulsive noise requirements pursuant to Section 36.410 allows for a maximum sound level of 82 dBA (at residential uses), when measured at the boundary line of the property where the noise source is located or on any occupied property where the noise is received for 25 percent of the minutes in the measurement period. Project related pile driving operations have been evaluated and the project is not adjacent to existing occupied structures. The project's temporary construction equipment operations and pile driving operations would comply with County noise standards.